

BEFORE THE COMPLAINANT GRIEVANCE REDRESSAL FORUM
B.E.S. & T. UNDERTAKING

(Constituted under section 42(5) of Electricity Act 2003)

Ground Floor, Multistoried Annex Building,
BEST's Colaba Depot
Colaba, Mumbai - 400 001

Telephone No. 22853561

Representation No. N-G(N)-149-2012 dtd. 14/05/2012

M/s M.H. Alibhoy & Co.,Complainant

V/S

B.E.S.&T. UndertakingRespondent

Present

Quorum :
1. Shri R U Ingule, Chairman
2. Shri S P Goswami, Member
3. Smt Varsha V Raut, Member

On behalf of the Complainant : Shri. Ishtiyab Shaikh

On behalf of the Respondent :
1. Shri. P.S. Deshpande, AAMCC(G/N)
2. Shri G.P. Tumma, Sub-Engineer
3. Shri B.T. Kamble, clerk

Date of Hearing : 14/06/2012

Date of Order :

Judgment by Shri. R.U. Ingule, Chairman

M/s. M.H. Alibhoy & Co., 1/2 Ground floor, Municipal Chawl, Main Road, Dharavi, Mumbai - 400 017 has come to the Forum for their grievance to waive DP & Interest charges against bill pertaining to A/c no. 764-235-061*7.

Complainant has submitted in brief as under :

- 1.0 The complainant has approached to IGR Cell on 16/06/2011 regarding his grievance for for their grievance to waive DP & Interest charges against bill pertaining to A/c no. 764-235-061*7. The complainant has approached to CGRF in schedule 'A' dtd. Nil (received by CGRF on 10/05/2012) as no remedy is provided by the Distribution Licensee regarding his grievance. The complainant has requested the Forum to waive the DP charges and interest.

**Respondent, BEST Undertaking in its written statement
in brief submitted as under :**

- 2.0 The Meter No D005465 was installed on 01.07.2000 under A/C No 764-235-051. The Meter was last read on Dec-2002 and the meter reading was 1632. The outstanding bill of December 2002 was Rs.12,105.31. After Dec-2002 the Meter reader could not find the Meter at site.
- 3.0 The Meter No D005465 was not removed by the BEST Undertaking. The complainant has mentioned in his application dated 16.06.2011 under Annexure 'C' that since last 10 years the meter was not on board/site and he was away from Mumbai. He further states that he had informed to the BEST Undertaking in writing that, he is going out of Mumbai and the meter installed for the premises be removed. However, we had not received any letter, wherein it is mentioned that the meter installed at the premises is not required by him. If we had received such letter we would have removed the meter and also we would have requested him to pay outstanding of Rs.12,105.31.
- 4.0 Now due to the levy of delay payment charges of Rs.17,434.22 & interest charges of Rs.28,624.30 on the unpaid bill amounting to Rs.12,105.31 of Dec-2002 the bill amount upto April-2012 has accumulated to Rs.63,263/-.
- 5.0 The site investigation was carried out by the Undertaking on 12.07.2011 and it was observed that the meter No D005465 was not found on the board by the Investigation Inspector. As per the provisions of 14.2.1 Regulation of Supply Code & Other condition of Supply 2005 the consumer had lodged the FIR for stolen Meter.
- 6.0 As per Provision under Regulation 15.7.1 of Electric Supply Code & Other condition of Supply 2005 "The Distribution Licensee may, at its discretion, allow consumer the facility of payment of arrears by way of instalments : Provided that the facility of payment of arrears by way of instalments shall not affect the liability of the consumer to pay interest and additional charges for delayed payment as per relevant order of commission".
- 7.0 In view of the above, the consumer may be directed to pay the legitimate amount payable to the Undertaking up to bill period April 2012 i.e. Rs 63,263/-

REASONS :

- 8.0 We have heard Shri Ishtiyab Shaikh for the complainant and for the Respondent BEST Undertaking, Shri P.S. Deshpande, AAMCC(G/N) & Shri G.P. Tumma, Sub-Engineer and Shri B.T. Kamble. Perused papers.
- 9.0 In nutshell, grievance of the complainant has been that he was carrying a business of raw skin leather in the name and style of M/s M.H. Alibhoy & Co. After closing down the said business he had shifted abroad and stayed there for last 10 years. The complainant came back to India and started his business of sell of building materials. During a survey conducted by the Respondent BEST Undertaking it was revealed that the Meter no. D005465 was not on the board. For availing the electric supply, the complainant approached the Respondent BEST Undertaking, who directed the complainant to file a complaint to police authorities about the meter being stolen and further directed him to pay the electricity charges in arrears of Rs. 63,263.00 which includes Delayed Payment (DP) charges and interest on the unpaid electricity amount of Rs. 12,105.31.
- 10.0 In counter, the Respondent BEST Undertaking has submitted that the Meter no. D005465 was installed on 01/07/2000 in the premises of the complainant and the last reading 1632 units was recorded in December 2002. As such the outstanding bill of December 2002 was Rs. 12,105.31 and thereafter the Meter Reader could not found the meter on the site. The complainant never informed the Respondent BEST Undertaking about his alleged going abroad and staying there for last 10 years. The complainant has lodged a complaint with the police authorities about the meter being stolen and prayed for supply of electricity. For the same, the complainant has been under obligation to pay the DP charges of Rs. 17,434.22 and interest charges of Rs. 28,624.30 on the unpaid bill of amount of Rs. 12,105.31. As such total accumulated amount has been Rs. 63,263.00.
- 11.0 Thus, Forum on perusing the documents finds that admittedly the Respondent BEST Undertaking has recorded last reading as 1632 units in the month of December 2002 in respect of Meter no. D005465 provided to the complainant. This Forum also finds that the Meter Reading Folio (MRF) placed before us manifest that the Meter Reader has recorded reading in the month of December 2002. The last reading recorded by the said meter has been 1632 units. Thereafter Meter Reader for years together went on passing the remark that the meter cannot be found. Accordingly, we find a remark viz. "C" being passed in the Meter Reading Folio by the Meter Reader.
- 12.0 We thus find that admittedly meter belongs to the Respondent BEST Undertaking. The same has been installed in the premises of the complainant on collecting the security deposit against the same. In our consider view though the said meter was in the custody of the complainant, the ownership is of the Respondent BEST Undertaking. To our surprise, it was totally uncalled for and unjustified on the part of the Meter Reader to go on recording a remark on the Meter Reading Folio that the meter being not found on the board, for years together in a very mechanical manner. We find an erroneous and

exorbitant lethargy on the part of the Respondent BEST Undertaking not to initiate any prompt action or at least take a notice of a stark naked fact revealing from a bare perusal of the Meter Reading Folio that its meter has been missing from the board.

- 13.0 True that no record has been placed before us by the complainant his going abroad and accordingly informing the Respondent BEST Undertaking about not availing the electricity supply to his meter no. D005465 on this count. However, at the same time this Forum cannot give a blind eye to a contributory negligence on the part of the Respondent BEST Undertaking, not taking any cognizance to any extent about its meter being not found on the meter board for years together.
- 14.0 To reiterate, the Meter Reader of the Respondent BEST Undertaking, in a very casual and mechanical manner simply went on recording his remark about the said meter being missing on the board. At the same time the Respondent BEST Undertaking went on showing in its ledger folio the last reading viz. 1632 units from December 2002 onwards till November 2010. It is during a survey conducted by the Respondent BEST Undertaking, a notice was taken that the said meter was missing on the board. To conclude, we also find lapses and lethargy on the part of Respondent BEST Undertaking.
- 15.0 In the aforesaid peculiar facts and circumstances, this Forum therefore finds justification to waive the DP charges and the interest charges on the unpaid bill amount of Rs. 12,105.31 of December 2002 payable by the complainant. Accordingly, we proceed to pass the following order.

ORDER

1. Complaint no. N-G(N)-149-2012 dtd. 14/05/2012 has been partly allowed.
2. The Respondent BEST Undertaking has been hereby directed to claim and collect the unpaid electricity charges amount of Rs. 12,105.31 from the complainant and to provide him electric meter and electricity supply on payment of due charges from the complainant against the same.
3. The Respondent BEST Undertaking has been directed to report the compliance of this order to this Forum within a period of fortnight there from.
4. Copies be given to both the parties.

(Smt Varsha V Raut)
Member

(Shri S P Goswami)
Member

(Shri R U Ingule)
Chairman